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12 Attorneys for Plaintiff SUCCESSFACTORS, INC.

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION  
17

18 SUCCESSFACTORS, INC.,

19 Plaintiff,

20 v.

21 SOFTSCAPE, INC.,

22 Defendant.  
23

Case No. CV 08 1376 CW

**MOTION FOR ADMINISTRATIVE RELIEF  
TO FILE UNDER SEAL PLAINTIFF'S  
EXHIBITS TO THE DECLARATIONS OF  
ROB BERNSHTEYN AND JORGE  
CORRALES IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION  
AND EXPEDITED DISCOVERY**

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff SuccessFactors, Inc. (“SuccessFactors”)  
2 hereby moves the Court for an Order permitting SuccessFactors to file under seal in this Court  
3 specific documents attached as an exhibit to the Declaration of Rob Bernshteyn in support of  
4 Plaintiff SuccessFactors’ Motion for Preliminary Injunction and Expedited Discovery  
5 (“Declaration of Rob Bernshteyn”), and a specific document attached as an exhibit to the  
6 Declaration of Jorge Corrales in Support of Plaintiff SuccessFactors’ Motion for Preliminary  
7 Injunction and Expedited Discovery (“Declaration of Jorge Corrales”).

8 The specific documents at issue are as follows:

- 9 1. An email message dated March 11, 2008, from a SuccessFactors customer to  
10 SuccessFactors. A true and correct copy of the email is attached as **Exhibit 1** to  
11 the Declaration of Rob Bernshteyn.
- 12 2. An email and SuccessFactors sales proposal. True and correct copies of the email  
13 and sales proposal are attached as **Exhibit 3** to the Declaration of Jorge Corrales.

14 The email message included in the document identified as item (1) is an email message  
15 from a SuccessFactors customer. The email message contains confidential and sensitive  
16 commercial information regarding the customer’s business relationship with SuccessFactors and  
17 statements about the customer’s purchasing decisions. The public accessibility of such  
18 information would cause irreparable, competitive, and commercial harm to SuccessFactors.  
19 However, the email message is relevant to the Court’s determination of SuccessFactors’ Motion  
20 for a Preliminary Injunction. As such, SuccessFactors respectfully requests that the Court allow it  
21 to file the email message in its entirety under seal per Civil Local Rule 79-5.

22 The email and sales proposal included in the document identified as item (2) is an email  
23 and proposal drafted to a prospective customer to help the customer decide whether to purchase  
24 from SuccessFactors. These documents contain confidential, commercially sensitive, and  
25 proprietary information about SuccessFactors, its products, and its business relationships with  
26 customers. The public accessibility of such information would cause irreparable, competitive,  
27 and commercial harm to SuccessFactors. However, the proposal is relevant to the Court’s  
28 determination of SuccessFactors’ Motion for a Preliminary Injunction. As such, SuccessFactors

1 respectfully requests that the Court allow it to file the proposal in its entirety under seal per Civil  
2 Local Rule 79-5.

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4 Respectfully submitted,

5 Dated: March 21, 2008

FENWICK & WEST LLP

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7 By: /s/ Dennis Faigal  
8 Dennis Faigal  
9 Attorneys for Plaintiff SUCCESSFACTORS, INC.  
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16 OAKLAND DIVISION

17 SUCCESSFACTORS, INC.,

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20 SOFTSCAPE, INC.,

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22

Case No. CV 08 1376 CW

**[PROPOSED] ORDER GRANTING MOTION  
FOR ADMINISTRATIVE RELIEF TO FILE  
UNDER SEAL PLAINTIFF'S EXHIBITS TO  
THE DECLARATIONS OF ROB BERNSHTEYN  
AND JORGE CORRALES IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY  
INJUNCTION AND EXPEDITED DISCOVERY**

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26 Plaintiff SuccessFactors, Inc.'s ("SuccessFactors") Motion for Administrative Relief to  
27 File Under Seal Plaintiff's Exhibit 1 to the Declaration of Rob Bernshteyn in Support of  
28 Plaintiff's Motion for Preliminary Injunction and Expedited Discovery and Exhibit 3 to the

1 Declaration of Jorge Corrales in Support of Plaintiff's Motion for Preliminary Injunction and  
2 Expedited Discovery is hereby **GRANTED**.

3 DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Claudia Wilken  
United States Federal Court Judge

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW